

## Message Text

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ACTION IO-13

INFO OCT-01 DHA-02 ISO-00 AF-08 ARA-10 EA-09 EUR-12 NEA-10

OIC-02 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 EB-07 COME-00

TRSE-00 CU-04 AID-05 SCA-01 SCSE-00 /140 W

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R 271518Z AUG 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 2098

INFO USMISSION USUN NEW YORK

AMEMBASSY MONROVIA

UNCLAS SECTION 1 OF 2 GENEVA 6850

E.O. 11652: N/A

TAGS: SHUM

SUBJECT: 29TH SESSION SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES 12 AUG. - 1 SWPT.

1. FOLLOWING IS TEXT OF DRAFT RES ON AGENDA ITEM 8.

(ALL RESES WILL BE CONSIDERED MONDAY, 30 AUGUST 1976).

QUOTE

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS INCLUDING POLICIES OF RACIAL DISCRIMINATION AND  
SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH  
PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT  
COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION  
UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION I (XXIII)

DRAFT RESOLUTION SUBMITTED BY MR. VAN BOVEN, MR. CAICEDO PERDOMO,  
MR. CARTER, MR. NETTEL AND MR. ORTIZ MARTIN

THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES,

RECALLING RESOLUTIONS 8 (XXIII) OF THE COMMISSION ON HUMAN RIGHTS

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AND 1235 (XLII) OF THE ECONOMIC AND SOCIAL COUNCIL,

TAKING INTO ACCOUNT ALARMING REPORTS ON THE HUMAN RIGHTS  
SITUATION IN THE REPUBLIC OF UGANDA,

RECOMMENDS TO THE COMMISSION ON HUMAN RIGHTS TO MAKE A THOROUGH  
STUDY OF THE HUMAN RIGHTS SITUATION IN UGANDA, BASED ON  
OBJECTIVE AND RELIABLY ATTESTED INFORMATION, AND TO SEEK THE CO-  
OPERATION OF THE GOVERNMENT OF UGANDA FOR THIS PURPOSE. UNQUOTE.

2. FOLLOWING IS TEXT OF DRAFT RES ON AGENDA ITEM 5.

QUOTE

UPDATING OF THE SPECIAL STUDY OF RACIAL DISCRIMINATION  
IN THE POLITICAL, ECONOMIC, SOCIAL AND CULTURAL SPHERES

DRAFT RESOLUTION SUBMITTED BY MR. VAN BOVEN, MR. CRISTESCU,  
MR. GANJI, MRS. KINYANJUI, MR. KHALIFA, MR. SINGH AND  
MR. WHITAKER

THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION  
OF MINORITIES,

RECALLING THE APPROPRIATE PROVISIONS OF THE CHARTER OF THE UN,  
THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS, THE INTERNATIONAL  
CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION,  
THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND OTHER  
RELEVANT INTERNATIONAL INSTRUMENTS PROHIBITING ALL  
FORMS OF RACIAL DISCRIMINATION,

RECALLING THE DECISION OF THE ECONOMIC AND SOCIAL COUNCIL OF  
18 MAY 1973, BY WHICH IT DECIDED TO REQUEST MR. HERNAN SANTA  
CRUZ, SPECIAL RAPPORTEUR FOR THE STUDY ON RACIAL DISCRIMINATION, 1/  
TO UPDATE THAT STUDY WITH SPECIAL EMPHASIS ON DISCRIMINATION  
BASED ON COLOUR, TAKING INTO ACCOUNT THE OPINIONS AND VIEWS  
EXPRESSED IN THE SUB-COMMISSION AT ITS TWENTY-FIFTH SESSION, IN  
THE COMMISSION ON HUMAN RIGHTS AT ITS TWENTY-NINTH SESSION,  
AND IN THE COUNCIL AT ITS FIFTY-FOURTH SESSION, SO THAT THE  
UPDATED STUDY MIGHT BE CONSIDERED BY THE SUB-COMMISSION,

HAVING EXAMINED THE UPDATED STUDY PREPARED BY THE SPECIAL  
RAPPORTEUR (E/CN.4/SUB.2/370 AND ADD.1-6 AND ADD.6/CORR.1),  
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1. EXPRESSES ITS APPRECIATION TO THE SPECIAL RAPPORTEUR FOR  
HIS VALUABLE WORK IN UPDATING THE SPECIAL STUDY OF RACIAL  
DISCRIMINATION IN THE POLITICAL, ECONOMIC, SOCIAL AND CULTURAL  
SPHERES;

2. APPROVES THE RECOMMENDATIONS CONTAINED IN THE UPDATED STUDY  
AND BRINGS THEM TO THE ATTENTION OF THE COMMISSION ON HUMAN

RIGHTS AND OF THE ECONOMIC AND SOCIAL COUNCIL;

3. REQUESTS THE SECRETARY-GENERAL TO ARRANGE FOR THE PRINTING AND PUBLICATION AND WIDEST POSSIBLE DISSEMINATION OF THE STUDY, AS WELL AS OF A CONDENSED EDITION OF THE STUDY CONTAINING AN ACCOUNT OF THE HISTORICAL BACKGROUND AND OF THE MEANING AND CAUSES OF RACIAL DISCRIMINATION AS DESCRIBED IN CHAPTERS I AND II OF THE STUDY (E/CN.4/SUB.2/370/ADD.1);

4. REQUESTS THE SPECIAL RAPPORTEUR TO TAKE INTO ACCOUNT THE OBSERVATIONS MADE DURING THE DISCUSSION ON THE UPDATED STUDY AT THE TWENTY-NINTH SESSION OF THE SUB-COMMISSION WHEN PREPARING THE STUDY FOR PRINTING AND PUBLICATION;

5. CALLS UPON STATES TO ABIDE STRICTLY BY THE APPROPRIATE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS, THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS, THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND OTHER RELEVANT INTERNATIONAL INSTRUMENTS PROHIBITING ALL FORMS OF RACIAL DISCRIMINATION. UNQUOTE.

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3. FOLLOWING IS TEXT OF DRAFT RES ON AGENDA ITEM 11.

QUOTE

QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED  
TO ANY FORM OF DETENTION OR IMPRISONMENT

DRAFT RESOLUTION SUBMITTED BY MR. BOUHDIBA, MR. VAN BOVEN,  
MR. KHALIFA, MR. MARTINEZ BAEZ, MR. PIRZADA AND MRS. QUESTIAUX

THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION  
OF MINORITIES,

RECALLING ITS RESOLUTIONS 7 (XXVII) AND R (XXVIII) RELATING TO  
THE ANNUAL REVIEW OF DEVELOPMENTS IN THE FIELD OF THE HUMAN  
RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IM-  
PRISONMENT, WHICH WERE WELCOMED BY THE GENERAL ASSEMBLY,

NOTING WITH APPRECIATION THE UNANIMOUS ADOPTION BY THE GENERAL  
ASSEMBLY OF THE DECLARATION ON THE PROTECTION OF ALL PERSONS  
FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR  
DEGRADING TREATMENT OR PUNISHMENT, CONTAINED IN RESOLUTION  
3452 (XXX),

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NOTING ALSO RESOLUTION 10 A (XXX) OF THE COMMISSION ON  
HUMAN RIGHTS WHEREIN THE COMMISSION INVITED THE SUB-COMMISSION,  
IN CONSIDERING THE PRESENT SUBJECT, TO DRAW ALSO UPON THE  
DECLARATION ON THE PROTECTION OF ALL PRSONS FROM BEING SUB-  
JECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREAT-  
MENT OR PUNISHMENT AS GUIDELINE FOR ITS WORK, AND RECOMMENDED  
THE SUB-COMMISSION TO EXAMINE THE RELEVANT INFORMATION IN THE  
LIGHT OF THE PRINCIPLES CONTAINED IN THAT DECLARATION,

DEEMING IT NECESSARY THAT, IN ACCORDANCE WITH GENERAL ASSEMBLY  
RESOLUTION 3453 (XXX), EFFECTIVE STEPS BE TAKEN FOR ENSURING  
THE OBSERVANCE OF THE DECLARATION,

RECALLING THAT THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL  
RIGHTS, WHICH ENTERED INTO FORCE ON 23 MARCH 1976, CONTAINS IN  
ITS ARTICLES 4, 7, 9, 10 AND 14 IMPORTANT PROVISIONS FOR THE  
GUARANTEE OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM  
OF DETENTION OR IMPRISONMENT.

NOTING WITH CONCERN FROM THE INFORMATION RECEIVED FROM  
GOVERNMENTS, SPECIALIZED AGENCIES, REGIONAL INTERGOVERNMENTAL  
ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS  
THAT, WHILE LEGAL PROVISIONS FORBIDDING TORTURE AND OTHER  
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT ARE  
GENERALLY PREVAILING, EFFECTIVE IMPLEMENTATION ACCORDING  
TO ARTICLE 4 OF THE DECLARATION ON THE PROTECTION OF ALL PERSONS  
FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR

DEGRADING TREATMENT OR PUNISHMENT STILL REQUIRES CONTINUOUS STUDY AND EFFORT,

STRESSING THE NEED FOR CONTINUOUS AND UP-TO-DATE INFORMATION FROM ALL THESE SOURCES IN ORDER TO CARRY OUT ITS ANNUAL REVIEW OF DEVELOPMENTS IN THE FIELD OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT PURSUANT TO ITS RESOLUTIONS 7 (XXVII) AND 4 (XXVIII),

NOTING FURTHER THAT MANY OF THE COMMUNICATIONS RECEIVED UNDER ECONOMIC AND SOCIAL COUNCIL RESOLUTION 728 (XXVIII) RELATE TO THE HUMAN RIGHTS OF PERSONS SUBJECTED TO SOME FORM OF DETENTION OR IMPRISONMENT,

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1. RECOMMENDS THAT THE COMMISSION ON HUMAN RIGHTS REQUEST THE ECONOMIC AND SOCIAL COUNCIL TO AUTHORIZE THE SUB-COMMISSION TO APPOINT THROUGH ITS CHAIRMAN A GROUP OF FIVE OF ITS MEMBERS TO MEET FOR NOT MORE THAN FIVE WORKING DAYS, PRIOR TO EACH SESSION OF THE SUB-COMMISSION, BEGINNING WITH THE THIRTIETH SESSION OF THE SUB-COMMISSION, TO ANALYSE THE MATERIALS RECEIVED IN CONNECTION WITH THE PRESENT SUBJECT AND TO PREPARE THE SUB-COMMISSION'S ANNUAL REVIEW OF DEVELOPMENTS IN THE FIELD OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT;

2. CONSIDERS THAT THE QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT IN SITUATIONS OF PUBLIC EMERGENCY OR THE STATE OF SIEGE SHOULD BE FURTHER EXAMINED IN THE LIGHT OF ARTICLE 4 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND ARTICLE 3 OF THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT;

3. EMPHASIZES THE NECESSITY OF JUDICIAL AND ADMINISTRATIVE SUPERVISION OVER ARREST, INTERROGATION AND DETENTION PRACTICES OF SECRET POLICE AND OTHER POLICE AND MILITARY AUTHORITIES AND DECIDES THAT THIS QUESTION, AND IN PARTICULAR THE STATUTORY AND OTHER RULES WHICH GOVERN THE AUTHORITY OF THE SECRET POLICE, ALSO DESERVES FURTHER AND FULL ATTENTION ON THE BASIS OF THE AFOREMENTIONED PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND ARTICLES 5 AND 6 OF THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

REQUESTS THE SECRETARY-GENERAL TO INVITE, IN VIEW OF THE NEXT ANNUAL REVIEW IN THIS FIELD AT ITS THIRTIETH SESSION, GOVERNMENTS, SPECIALIZED AGENCIES, REGIONAL INTERGOVERNMENTAL ORGANIZATIONS,

INTERPOL AND NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE  
STATUS WITH THE ECONOMIC AND SOCIAL COUNCIL CONCERNED TO PROVIDE  
ANY RELIABLY ATTESTED INFORMATION, IN PARTICULAR RELATING TO  
THE PROBLEMS MENTIONED IN PARAGRAPHS 2 AND 3 ABOVE, AND FURTHER  
REQUESTS THE SECRETARY-GENERAL TO SUBMIT IN GOOD TIME  
BEFORE ITS NEXT SESSION( AND THAT OF ITS WORKING GROUP IF  
ESTABLISHED IN PURSUANCE OF PARAGRAPH 1 ABOVE) THE INFORMATION  
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FROM GOVERNMENTS, SPECIALIZED AGENCIES, REGIONAL INTERGOVERN-  
MENTAL ORGANIZATIONS AND INTERPOL, TOGETHER WITH A SYNOPSIS OF  
THE MATERIALS RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS.  
UNQUOTE. CATTO

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, RACIAL DISCRIMINATION, RESOLUTIONS, MINORITIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 27 AUG 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
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**Errors:** N/A  
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**Page Count:** 6  
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**Review Authority:** harterdg  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 15 APR 2004  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** 29TH SESSION SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES 12 AUG. - 1 SWPT.  
**TAGS:** SHUM  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006